IN THE

Supreme Court of the United States

STATE OF WISCONSIN, MINNESOTA, ORIO AND PENNSYLVANIA, *Complainants,* *vs.* STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants,* STATE OF MISSOURI, KENTUCKY, TENNESSEE, LOUISIANA, MISSISSIPPI, and ARKANSAS, *Intervening Defendants.*	No. 5, Original.
STATE OF MICHIGAN, *Complainant,* *vs.* STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, et al, *Defendants.*	No. 8, Original.
STATE OF NEW YORK, *Complainants,* *vs.* STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, et al, *Defendants.*	No. 9, Original.

SUPPLEMENTAL REPORT OF DEFENDANTS RELATIVE TO MODIFICATION IN SEQUENCE OF CONSTRUCTION PROGRAM PROCEDURE.

May 23, 1934

FRED KLEIN CO. 24 PRINTERS, CHICAGO.

IN THE

Supreme Court of the United States

Nos. 5, 8 and 9, Original.

STATE OF WISCONSIN, MINNESOTA, OHIO AND PENNSYLVANIA, *Complainants,* vs. STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants,* STATE OF MISSOURI, KENTUCKY, TENNESSEE, LOUISIANA, MISSISSIPPI, and ARKANSAS, *Intervening Defendants.*	No. 5, Original.
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SUPPLEMENTAL REPORT OF DEFENDANTS RELATIVE TO MODIFICATION IN SEQUENCE OF CONSTRUCTION PROGRAM PROCEDURE.

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Now come the STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, a public municipal corporation, by Otto Kerner, Attorney General of Illi-

nois, Cornelius Lynde, Special Assistant Attorney General, William Rothman, Joseph B. Fleming, James Hamilton Lewis and Lawrence J. Fenlon, their solicitors, and submit this supplemental report, relative to a modification in sequence of procedure on the construction program heretofore presented to this court, which program was designed to enable defendants to accept the reduction in diversion of water from Lake Michigan through the Drainage Canal as heretofore decreed by the court on April 21, 1930, (281 U. S. 696, 74 L. ed. 1123, 50 S. Ct. 331) said amount of diversion, in addition to domestic pumpage, to be as follows:

6500 cu. ft. per sec. on and after July 1, 1930
5000 cu. ft. per sec. on and after Dec. 31, 1935
1500 cu. ft. per sec. on and after Dec. 31, 1938

The program presented to the Court in 1929 by the Special Master on Re-Reference contemplated, among other things, (1) completion of the West Side Sewage Treatment Works on or before December 31, 1935, to provide for complete treatment of the area served by said West Side Sewage Treatment Works and (2) completion of the Southwest Side Sewage Treatment Works on or before December 31, 1938. The aforesaid plants when completed were to attain not less than an average of 85% purification of the sewage treated.

On July 1, 1933, the Sanitary District reported to the Court that improvements in the method of sewage sludge disposal had made possible the combining of the proposed West Side and Southwest Side Sewage Treatment Plants on the original site for the west side plant. These two combined plants have since been referred to as the West-Southwest Sewage Treatment Plant.

As heretofore reported to the Court, in the Semi-Annual Report of January 1, 1934, the Sanitary District of

Chicago, in June, 1933, under the provisions of the National Industrial Recovery Act, made application to the Federal Emergency Administration of Public Works, for allocation of a Loan and Grant amounting to $120,000,000 to finance the uncompleted work remaining to be performed under the construction program as recommended by the Special Master on Re-Reference. After extended negotiations with the Public Works Administration over a period of several months, the Sanitary District was advised in November, 1933, that the policy of the Public Works Administration limited allocations of the available funds to work which could reasonably be completed in approximately two years, and that an application would be considered for only such works as could be completed within that time. In pursuance of this policy The Sanitary District of Chicago filed sub-applications for an allocation of the necessary funds to finance that part of the construction program, heretofore presented to the Court, which could be completed within the calendar period of two and one-half years. These sub-applications, as the Court has previously been advised in the semi-annual report of the defendants, resulted in the purchase by the Government of bonds of the Sanitary District in the principal amount of $41,938,000 to be used to complete certain contracts already in existence, plus certain additional work necessary to complete the West Side Intercepting Sewer, the Calumet Treatment Works Extension and certain collateral sewers, and also to build that portion of the West-Southwest Sewage Treatment Plant required to provide complete treatment for the sewage from the West Side area. The amount allocated for this portion of the West-Southwest Sewage Treatment Plant was $21,646,000.

As heretofore reported to the Court in the Semi-annual report filed January 1, 1934, the contract with the Government for the purchase and sale of the bonds to finance the work above described provided, that before the Sanitary District would let contracts for any part of the West-Southwest Sewage Treatment Plant embraced in its application, a survey was to be made by an Engineering Board to be appointed by the Government to make a study of the West-Southwest Sewage Treatment Project and report its recommendations in the premises.

In accordance with the foregoing provision an Engineering Board of Review was appointed by the Federal Emergency Administrator of Public Works. This Board after a careful and detailed review extending over a period of three months completed its survey, rendered its report to the Federal Emergency Administrator of Public Works and said report was approved by the Administrator on May 10th, 1934. This report recommends a change in the order of procedure on the construction program heretofore presented to the Supreme Court. A copy entitled "Report of The Board of Engineers appointed by the Hon. Harold L. Ickes, Administrator Federal Emergency Administration of Public Works, To Review The Plans and Specifications Prepared By The Sanitary District of Chicago For Certain Sewage Treatment Work at the West-Southwest Site," is attached to the original petition hereto, marked Exhibit "A." The Engineering Board recommends that the finances obtained from the Government be used to build at once the Southwest Side Intercepting Sewer and a complete treatment works for the Southwest Side area, and that the final step in the program be to supplement the existing partial treatment at the West Side Works with complete treatment.

This construction program as recommended by the Board of Review when completed will provide treatment at least to a partial degree of sewage from all the important areas which affect the question of diversion embraced within The Sanitary District of Chicago.

Attached hereto is a map entitled "The Sanitary District of Chicago Map Indicating Proposed Modification of Order of Construction Procedure May, 1934," marked Exhibit "B," showing the locations of the proposed West-Southwest Treatment Works with the additional intercepting sewers that are to be built indicated in red. This map shows that these additional Southwest Side sewers will complete the interception of all sewers discharging into the Chicago River throughout its entire length extending from its mouth to the site of the treatment works, a distance of approximately eleven miles, thus removing practically all sewage pollution from the Chicago River, except that produced by storm overflows. The Sanitary District will therefore be placed in a safer position in accepting the reduction in diversion on December 31, 1935, than it would be if the original construction program were followed.

The modification in the program recommended by the Engineering Board of Review, appointed by the Federal Emergency Administrator of Public Works in accordance with the Agreement between the Government and the Sanitary District, in which the defendants concur, provides that a main interceptor, a pumping station and a treatment plant be constructed immediately for the collection and treatment of the sewage from the Southwest Side area instead of now building a plant to supplement the existing West Side Sewage Treatment Works, for the reason that such procedure will provide, (a) the immediate purification of the Southwest Side Sewage

and, (b) permit time for further investigation as to the best method of supplementing the West Side Imhoff tank plant, and (c) provide added protection against pollution of the lake water supply in the event of reversal of the Chicago River.

The defendants approve the recommendations of the Engineering Board of Review that the present available funds provided by the Government be used to finance the immediate construction of the intercepting sewers, pumping station, treatment plant and other necessary appurtenances for the Southwest Side area, and respectfully report that the sequence of procedure in the construction program heretofore presented to the Court, will be modified to the extent that the defendants will proceed immediately with the construction of the complete treatment plant, with the Intercepting Sewer System, pumping station and the other necessary appurtenances for the complete treatment of sewage from the Southwest Side area to be followed by supplementing, as a final step, the existing partial treatment of the sewage now provided for the West Side area.

The defendants further respectfully represent that this change in the sequence of procedure recommended by the Engineering Board of Review and by the defendants will not retard, but in the opinion of the defendants and in that of the Engineering Board of Review, will improve conditions and expedite the performance of the decree.

Respectfully submitted,

STATE OF ILLINOIS,

By OTTO KERNER,
Attorney General of Illinois.

CORNELIUS LYNDE,
Special Assistant Attorney General.

THE SANITARY DISTRICT OF CHICAGO.

By THOMAS J. BOWLER,
Its President.

PHILIP HARRINGTON,
Its Chief Engineer.

WILLIAM ROTHMANN,

JOSEPH B. FLEMING,

JAMES HAMILTON LEWIS,

LAWRENCE J. FENLON,
Solicitors for the Sanitary District of Chicago.

Attest:
JAMES J. SULLIVAN,
Clerk

THE SANITARY DISTRICT OF CHICAGO

MAP

INDICATING PROPOSED MODIFICATION OF ORDER OF CONSTRUCTION PROCEDURE

Chicago, Ill. May 1934.

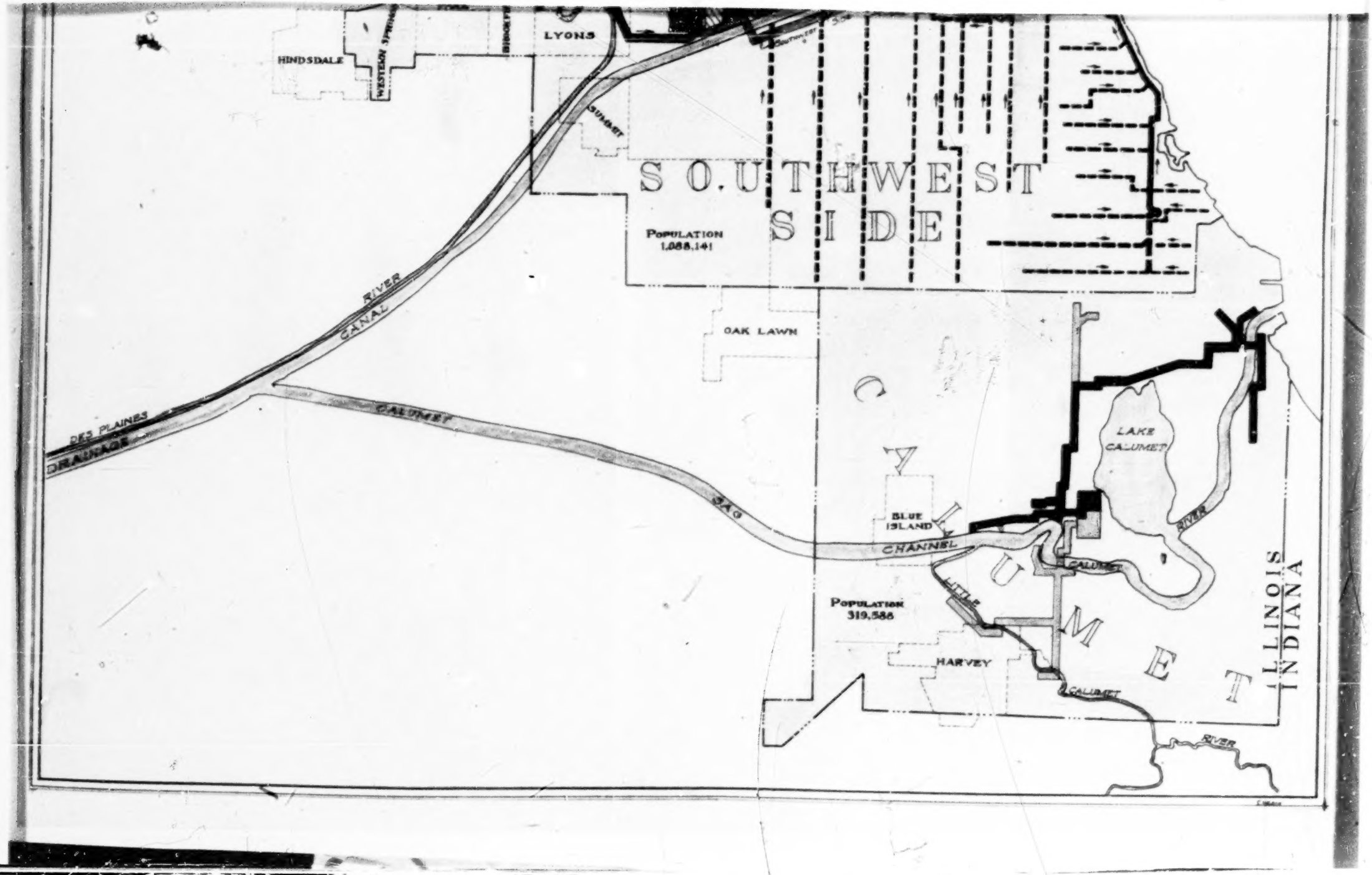
Scale: 1" = 1 Mile

LEGEND

- Completed Sanitary District Sewers and Plants
- Calumet and West Side Projects under Construction
- Southwest Projects Proposed for Immediate Construction
- City of Chicago Sewers Southwest Side

EXHIBIT B

LAKE COUNTY
COOK COUNTY
NORTHBROOK
GLENCOE
WINNETKA
WILMETTE
GLENVIEW
MORTON GROVE
EVANSTON
NORTH SIDE
RIVER
SANITARY DISTRICT BOUNDARY
DES PLAINES
PARK RIDGE
WEST SIDE
DES PLAINES
POPULATION 981,581
LAKE MICHIGAN
N
ELMHURST
RIVER FOREST
OAK PARK
SOUTH SIDE
POPULATION 1,512,239
BERWYN
CICERO
LA GRANGE PARK
BROOKFIELD
LYONS
HINSDALE
WESTERN SPRINGS
SUMMIT
SOUTHWEST SIDE
POPULATION 1,088,141
RIVER
CANAL
OAK LAWN


HINDSDALE
WESTERN SPRINGS
BERWYN
LYONS
SUMMIT
SOUTHWEST SIDE
POPULATION
1,088,141
OAK LAWN
DES PLAINES
RIVER
CANAL
DRAINAGE
CALUMET
SAG
CHANNEL
BLUE
ISLAND
LAKE
CALUMET
RIVER
CALUMET
LITTLE
POPULATION
319,586
HARVEY
CALUMET
RIVER
CALUMET
ILLINOIS
INDIANA

Office Supreme Court, U. S.
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JUL 2 1934
CHARLES ELMORE CROPLEY
CLERK

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Supreme Court of the United States

STATE OF WISCONSIN, STATE OF MINNESOTA, STATE OF OHIO, and STATE OF PENNSYLVANIA, *Complainants,* *vs.* STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants.* STATE OF MISSOURI, STATE OF KENTUCKY, STATE OF TENNESSEE, STATE OF LOUISIANA, STATE OF MISSISSIPPI, and STATE OF ARKANSAS, *Intervening Defendants.*	No. 4, Original.
STATE OF MICHIGAN, *Complainant,* *vs.* STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, et al., *Defendants.*	No. 5 Original.
STATE OF NEW YORK, *Complainant,* *vs.* STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, et al., *Defendants.*	No. 6 Original.

SEMI-ANNUAL REPORT OF THE SANITARY DISTRICT OF CHICAGO OF JULY 1, 1934. MADE PURSUANT TO DECREE OF APRIL 21, 1930.

FRED KLEIN CO., [redacted]24 PRINTERS, CHICAGO.

IN THE

Supreme Court of the United States

NOS. 5, 8 AND 9, ORIGINAL.

OCTOBER TERM, 1933.

STATE OF WISCONSIN, STATE OF MINNESOTA, STATE OF OHIO, and STATE OF PENNSYLVANIA, *Complainants,* vs. STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants.* STATE OF MISSOURI, STATE OF KENTUCKY, STATE OF TENNESSEE, STATE OF LOUISIANA, STATE OF MISSISSIPPI, and STATE OF ARKANSAS, *Intervening Defendants.*	No. 5, Original.
STATE OF MICHIGAN, *Complainant,* vs. STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, et al., *Defendants.*	No. 8, Original.
STATE OF NEW YORK, *Complainant,* vs. STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, et al., *Defendants.*	No. 9, Original.

SEMI-ANNUAL REPORT OF THE SANITARY DISTRICT OF CHICAGO OF JULY 1, 1934. MADE PURSUANT TO DECREE OF APRIL 21, 1930.

Pursuant to provisions of paragraph numbered 5 of the Decree in the above entitled causes, entered on April 21, 1930, the Defendant, The Sanitary District of Chicago, hereby makes its semi-annual report of July 1, 1934, as follows:

CONSTRUCTION PROGRAM.

In the semi-annual report of January 1, 1934, the status of completed work in the sewage treatment construction program involved in this case was stated to be on December 1, 1933, as follows:

TABLE 1.

COMPLETED WORK AS OF DECEMBER 1, 1933.

Calumet Project	$ 21,120,149.38
North Side Project	37,104,990.93
West Side Project	41,771,215.03
Southwest Side Project	323,252.38
Miscellaneous Plants and Sewers	596,188.86
Chicago River Controlling Works	53,415.74
Total	$100,969,212.32

TABLE 2.

FUTURE WORK AFTER DECEMBER 1, 1933.

Calumet Project	$ 14,050,000.00
North Side Project	5,390,000.00
West Side Project	13,078,000.00
West-Southwest Plant	42,697,000.00
Southwest Side Project	39,770,000.00
Miscellaneous Plants and Sewers	2,000,000.00
Chicago River Controlling Works (If necessary)	3,200,000.00
Total	$120,185,000.00

During the interim of six months between the date of the last report and the present report a considerable amount of construction work has been accomplished on the Calumet and West Side Projects. Reasonable progress has been made on the development of plans for the Southwest Side Project.

Calumet Project. As stated in the last Semi-annual Report to the Court, agreements were made December 16, 1933, for the purchase of bonds of The Sanitary District of Chicago by the Federal Emergency Administration of Public Works to finance the com-

pletion of the Calumet Sewage Treatment Works and the construction of certain Calumet Sewers. Construction work on the Aeration Tanks, Operating Galleries and Final Settling Tanks, which had been discontinued since December 1931, because of lack of funds, was resumed on January 2, 1934. Construction of the Pumping Station and Blower House, likewise discontinued since December 1931, was resumed on January 8, 1934. A contract for Preliminary Settling Tanks, Sludge Concentration Tanks, Screen House, Meter Vault and Miscellaneous Conduits was awarded on March 29, 1934 and construction was started on April 12, 1934. A contract for the extension of the discharge tubes of the sewage pumps past the proposed building to house the incinerating plant was awarded on April 12, 1934. An agreement for the resumption of work on the Blowers and Blower Motors was made April 19, 1934. Similar agreements for the Sewage Pumps, and their motors, and for Large Valves are being negotiated.

Plans are being prepared for the Sludge Dewatering and Incinerating Plant and for Conduits between the old and new Sewage Pumping Stations. This will complete the Calumet Sewage Treatment Works except for a minor contract for roads, grading, drainage, lighting, etc. All this work will be completed before the end of 1935. A contract for the construction of the Harvey Sewer was let May 3, 1934, the bond approved May 17, 1934, and actual work was started June 4, 1934. Plans have been completed for the South Park Avenue and the California Avenue Outlet Sewers and considerable progress has been made on plans for the Blue Island Extension Sewer.

Construction of these sewers may be deferred and the funds used for the more urgent work in the South west Side Intercepting Sewer.

West Side Project. As stated in the last Semi-Annual Report to the Court, agreements were made December 16, 1933 for the purchase of bonds of The Sanitary District of Chicago by the Federal Emergency Administration of Public Works to finance the completion of the third battery of Imhoff Tanks at the West Side Sewage Treatment Works and two Sections of the West Side Sewer and for the construction of seven additional Sections of the West Side Sewer.

Construction work on the third battery of Imhoff Tanks at the West Side Treatment Works, which had been discontinued since December 1931, because of lack of funds, was resumed February 5, 1934. Construction of Section 3 of the West Side Sewer, likewise discontinued since December 1931, was resumed March 26, 1934. An agreement for the resumption of work on Section 4 of the West Side Sewer, likewise discontinued since December 1931, is being made and work should be resumed within a month.

Contracts have been let for four additional Sections of the West Side Sewer and bids have been taken for two other Sections. The contract for Section 5 was let February 1, 1934 and construction work was started February 26, 1934. The contract for Section 6 was let April 26, 1934, the bond was approved May 17, 1934, and actual work was started June 18, 1934. The contract for Section 7 was let March 15, 1934 and construction was started April 2, 1934. The contract for Section 8 was let March 8,

1934 and work was started April 4, 1934. Bids were taken for Section 9 on June 21, 1934. Bids were taken for Section 10 on March 29, 1934 and rejected April 26, 1934. This work will be re-advertised for bids in the near future. All this sewer construction is planned for completion before the end of 1935.

Operation of the additional sludge filtering and drying unit at the West Side Sewage Treatment Works was started February 9, 1934. This operation is for the further development of the proposed method of disposing of sludge by mechanical dewatering and incineration. Results to date are fully as satisfactory as had been anticipated.

As stated in the last two Semi-annual Reports to the Court, the activated sludge portion of the West Side Works, for the complete treatment of the sewage, has been combined with the Southwest Side Sewage Treatment Plant, to be built as one plant, and will be discussed under the heading of "West-Southwest Treatment Plant."

West-Southwest Treatment Plant. The agreement of December 16, 1933 between the Sanitary District and the Federal Emergency Administration of Public Works provided $21,646,000 to construct approximately half of this ultimate plant and it had been planned to use this portion of the plant to give final treatment to the West Side sewage to conform to the order of construction procedure set forth in the Report of the Special Master. Certain features of the plant, such as Blower House, Pumping Station, Electric Sub-station, Outfall Conduit, etc., were to be built to sizes for the ultimate plant. However, the agreement with the Public Works Administration